

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No.: 05-CV-10488-JLA

TIMOTHY HILLS,)	
Plaintiff)	
)	
vs.)	
)	
TOWN OF STOUGHTON, DAVID)	
M. COHEN, INDIVIDUALLY, AND)	
MANUEL CACHOPA, INDIVIDUALLY,)	
Defendants)	
)	

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

1. The Plaintiff, Timothy Hills, is an individual, who resides at 28 Maniton Road, Canton, Commonwealth of Massachusetts.
2. The Defendant, the Town of Stoughton, is a Massachusetts municipality organized, incorporated and/or operated pursuant to Massachusetts law. Town offices are located at 10 Pearl Street, Stoughton, Massachusetts.
3. The Defendant, David M. Cohen, (hereinafter referred to as "Cohen"), is an individual, who was employed as a sergeant by the Stoughton Police Department and who resides in Stoughton, Commonwealth of Massachusetts.
4. The Defendant, Manuel Cachopa, (hereinafter referred to as "Cachopa"), is an individual, who was employed as Chief of Police by the Town of Stoughton and who resides in Stoughton, Commonwealth of Massachusetts.

FACTS

5. In or around April, 2002, Cohen, was a police officer duly employed by the Town of Stoughton.
6. In or around April, 2002, Cachopa, was the Chief of Police duly employed by the Town of Stoughton.
7. In or around the aforesaid date, the plaintiff was contacted by Cohen who attempted to collect a debt that the plaintiff allegedly owed to a third party named Peter Marinelli.

8. On the aforesaid date, and on other various occasions, Cohen threatened the plaintiff and promised to prosecute him if the latter did not immediately pay the aforesaid debt.
9. At all times material hereto, the plaintiff was in the exercise of due care and acted lawfully.
10. On the aforesaid date and at various subsequent occasions, Cohen harassed the plaintiff, caused the plaintiff significant apprehension and embarrassment and fostered an atmosphere of intimidation.
11. On or about April 30, 2002, Cohen, under cover of law, assaulted and falsely arrested Hills, improperly detained him and deprived the plaintiff of his liberty for an extended period of time.
12. On the aforesaid date and on various subsequent occasions, Cohen improperly defamed and/or otherwise slandered the plaintiff and thereby caused him harm.
13. During the aforesaid time frame, Cachopa knew or should have known of Cohen's improper behavior and was complicit in covering Cohen's behavior so he could avoid detection.
14. On the aforesaid date and on various subsequent occasions, the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, infringed the plaintiff's civil rights as guaranteed by both the United States and Massachusetts Constitutions. As a result of the defendant's foregoing conduct, the plaintiff has suffered damages and incurred costs.

COUNT I
(Harassment)

15. The Plaintiff, Timothy Hills, repeats and reavers all of the allegations contained in paragraphs one through fourteen of this Complaint as if rewritten and realleged herein.
16. As the direct and proximate result of the conduct of the Defendants, their employees, agents and others for whom the defendants are responsible, the Plaintiff, Timothy Hills, was harassed by the Defendants and thereby suffered loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

COUNT II
(False Imprisonment)

17. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through sixteen of this Complaint as if rewritten and realleged herein.
18. As the direct and proximate result of the conduct of the Defendants, their employees, agents and others for whom the defendants are responsible, the Plaintiff, Timothy Hills, was falsely imprisoned by the Defendants and thereby suffered loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

COUNT III
(Infliction of Emotional Distress)

19. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through eighteen of this Complaint as if rewritten and realleged herein.
20. As the direct and proximate result of the conduct of the Defendants, their employees, agents and others for whom the defendants are responsible, the Plaintiff, Timothy Hills, suffered emotional distress.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

COUNT IV
(Assault)

21. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through twenty of this Complaint as if rewritten and realleged herein.
22. As the direct result of the conduct of the Defendants, their employees, agents and/or others for whom the defendants are legally responsible, the plaintiff, Timothy Hills, was assaulted by the Defendants and thereby suffered loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

**COUNT V
(Battery)**

23. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through twenty-three of this Complaint as if rewritten and realleged herein.
24. As the direct result of the conduct of the defendants, their employees, agents and/or others for whom the Defendants are legally responsible, the plaintiff, Timothy Hills, suffered battery at the hands of the Defendants and thereby sustained a loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

**COUNT VI
(Invasion of Privacy)**

25. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through twenty-four of this Complaint as if rewritten and realleged herein.
26. As the direct result of the conduct of the Defendants, their employees, agents and/or others for whom the Defendants are legally responsible, the plaintiff Timothy Hills, suffered an invasion of privacy and thereby sustained a loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

**COUNT VII
(Deceit and Fraud)**

27. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through twenty-six of this Complaint as if rewritten and realleged herein.
28. As the direct result of the conduct of the Defendants, their employees, agents and/or others for whom the Defendants are legally responsible, the plaintiff, Timothy Hills, had perpetrated upon him fraud and deceit and thereby sustained a loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen, and Manuel Cachopa, in an amount sufficient

and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

**COUNT VIII
(Violation of Civil Rights)**

29. The Plaintiff, Timothy Hills, repeats and realleges all of the allegations contained in paragraphs one through twenty-eight of this Complaint as if rewritten and realleged herein.
30. As the direct result of the conduct of the Defendants, their employees, agents and/or others for whom the Defendants are legally responsible, the plaintiff Timothy Hills, suffered a violation of his civil rights and thereby sustained a loss.

Wherefore, the Plaintiff, Timothy Hills, demands judgment against the Defendants, the Town of Stoughton, David M. Cohen and Manuel Cachopa, in an amount sufficient and proper to compensate him for his losses, plus interest, attorneys fees and the cost of this action.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES PRESENTED.

Respectfully Submitted,

For The Plaintiff,

Timothy Hills,

By His Attorneys,

COLUCCI, COLUCCI & MARCUS, P.C.

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